

CHAPTER 3

Rules and Regulations of the Behavioral Health Division Mental Health and Substance Abuse Services

Application for Funds and Selection of Providers

Section 1. Authority. This Chapter is promulgated by the Wyoming Department of Health pursuant to W.S. § 9-2-102; W.S. § 9-2-2701; W.S. §§ 35-1-611 through 627; and the Wyoming Administrative Procedure Act at W.S. §§ 16-3-101 through 115.

Section 2. Purpose and Applicability. These rules have been adopted to prescribe provider eligibility requirements to apply for funding by the Division to provide community behavioral health services, and to define the process for review and selection of the recipients of such funding.

Section 3. Eligibility for Funding.

(a) Any provider may apply to the Division for funding to provide behavioral health services which are available on a statewide and/or regional basis, if the provider meets the following minimum qualifications:

(i) A public agency shall have documentation filed with the Secretary of State evidencing the authority to conduct business within the State of Wyoming.

(ii) A private provider must comply with the eligibility requirements in W.S. § 35-1-624.

(iii) The provider must have a governing board whose members represent the provider's proposed service area and which sets the provider's policy, vision, and mission, has fiduciary oversight and meets on a regular basis. The provider must be able to provide minutes of these meetings upon request.

(iv) The provider must be certified by the Division pursuant to Chapter 2.

(v) The provider must have the capacity to provide the full range of required services as determined by the Division to include twenty-four (24) hour emergency services seven (7) days a week.

(b) A provider which provides behavioral health services in addition to other human services may apply for funding if:

- (i) The behavioral health services operate as a separate unit or segment within the overall agency;
- (ii) The behavioral health services unit or segment meets the definition of a community mental health or substance abuse center;
- (iii) The minimum qualifications specified in (a) are met; and
- (iv) Funds received to provide behavioral health services are maintained separate and apart from other funds of the provider.

Section 4. Letter of Intent to Provide Services.

(a) Prior to the beginning of a funding cycle, the Division shall seek letters of intent to provide funded services. The Division shall publish a notice that includes the eligibility requirements for funding as specified in Section 3. At a minimum, the Division shall distribute the notice to currently funded providers and shall post it on the Division's public website.

(b) Providers interested in applying for funding shall submit to the Administrator a letter of intent signed by the chair of the governing board and by the executive director.

(i) If the provider did not receive funding within the last funding cycle, the letter of intent shall be accompanied by documentation substantiating the provider meets the minimum eligibility requirements specified in Section 3.

(ii) The letter of intent shall include the service area for which the provider is seeking funding and the services to be provided.

(c) Upon receipt of a letter of intent, the Administrator shall determine if the provider meets the eligibility requirements listed in Section 3. If the Administrator determines that the eligibility requirements are not met, the Administrator shall notify the provider that it is not eligible to apply for funding and specify the criteria it has not met.

(d) If the Administrator determines that the provider is eligible to apply for funding, the Administrator shall determine if the application cycle is competing or not and will notify applicants of the status of competition within the service area.

(e) The Administrator shall send the application packet and the criteria the Division will use in its review and selection process as specified in Section 5 to eligible providers. The application packet may contain specific requirements in addition to the criteria in Section 5(a) and 6(a).

Section 5. Selection Criteria and Funding Priorities.

(a) Scoring of applications shall be completed based on the content of the application submitted to the Division, data and other pertinent information owned by the

Division, the criteria listed below and criteria which supports integration with primary care and quality services as specified in the application packet. All applicants must meet the following criteria:

(i) Compliance with applicable federal, state and local laws, and rules and standards required by the Division;

(ii) Demonstrated ability to provide a range of comprehensive and integrated behavioral health services that support quality care to the priority populations as determined by the Division;

(iii) Staffing patterns and staff adequate to provide the continuum of services required and the specific services for which funding is requested;

(iv) Demonstrated oversight by the governing board;

(v) Performance at the level prescribed by the Division as measured by the delivery of the required minimum number of service hours the previous two years (for currently funded providers only);

(vi) Demonstrated positive performance outcomes as defined by the Division;

(vii) Demonstrated strategic planning process;

(viii) Demonstrated capacity and utilization of electronic health care technologies that support the Division's reporting requirements;

(ix) Demonstrated clinical practices that address quality and cost effective care;

(x) Use of recovery supports; and,

(xi) Demonstrated involvement of the people served in the planning and implementation of services.

(b) The Division may deny any application that does not meet the criteria documented in Section 5(a) and the criteria specified in the application packet. An application may also be denied if it proposes to serve only a portion of an existing service area and if funding the application would jeopardize the continued services in the remainder of the service area.

(c) If the application is denied, the Division shall document the reasons why the application was denied and shall notify the applicant of the denial.

(d) The Division may, within its discretion solicit additional applications to provide services in the service area. If the Division solicits additional applications, any applicant whose application was earlier denied may resubmit an application to the Division.

Section 6. Competing Applications.

(a) When two or more applicants are competing to provide services in the same service area and each application meets the criteria in Section 5(a) and in the application packet, the Division shall give preference to, and begin contract negotiations with the provider that received funding from the Division for these services the previous year, unless:

(i) The provider failed to meet the minimum hours of service required for the previous two years; or

(ii) The provider has not provided all deliverables specified in the previous year's contract.

(b) When two or more applicants are competing to provide services in the same service area and each application meets the criteria in Section 5(a) and in the application packet, and there is no previous provider that may be granted the preference noted in subsection (a), applications from providers which then meet the following additional criteria shall be scored by the Division:

(i) The applicant proposes to serve multiple counties or participate in a multi-county consortium;

(ii) The applicant proposes to provide both mental health and substance use treatment services using an integrated model;

(iii) The extent to which behavioral health services are integrated with primary health services;

(iv) The applicant meets or exceeds the statewide average of the Division's performance standards (for currently funded providers only);

(v) The applicant maximizes all applicable funding sources; and,

(vi) The history of the applicant, if available, in providing specialized services to priority populations.

(c) If the remaining competing applicants substantially meet the criteria in subsection (b), the Administrator shall appoint a review committee within fourteen (14) calendar days of the end of the Division's review and application scoring process to review the applications, the scores provided each applicant by the Division, the extent to which the criteria in Section 5(a) are met, the additional criteria that are met by the applicants from subsection (b), data provided by the Division, and other information as applicable.

(d) The review committee shall consist of no fewer than five (5) persons as follows:

- (i) One representative from a state agency other than the Department;
- (ii) One representative of the Department;
- (iii) One representative of the Behavioral Health Advisory Council who is also a person in recovery;
- (iv) One representative of funded behavioral health service providers outside of the region affected by the competing application;
- (v) One county commissioner from each county under competition; and,
- (vi) Sufficient additional members, at the Administrator's discretion, to ensure an odd number of committee members.

(e) If, for any reason, a representative designated in (d) is unwilling or unable to participate on the review committee, the Administrator may select another person to participate unless the addition of the person results in an even number of committee members.

Section 7. Review Committee Process.

(a) Once it is determined that a committee review and recommendation is necessary, the Division shall provide written notification to the competing applicants and to the public in the service area. Notification shall be published as a legal notice in at least one (1) newspaper of general circulation in each county, if possible, affected by the competing applications a minimum of ten (10) calendar days prior to the public hearing. The notice shall include:

- (i) The date, time, location and nature of the public meeting;
- (ii) The legal authority and jurisdiction under which the meeting is to be held;
- (iii) The sections of the statutes and rules involved;
- (iv) A statement of the nature of the applications being reviewed; and
- (v) The procedure for participation by the public including the procedure to be used to submit written comments, which shall be received by the Division prior to the date of the public meeting.

(b) A public meeting shall be held on all applications for the same funds if the applications:

- (i) Meet the funding eligibility criteria in Section 3; and,

(ii) Substantially meet the criteria in Section 5(a), 6(b), and in the application packet;

(c) The public meeting shall be held within thirty (30) calendar days of the selection of the review committee in a location determined by the Division within the service area affected.

(d) The review committee shall elect a chair.

(e) The order of procedure shall be determined by the chair of the review committee and shall allow time for:

(i) Each applicant to make a presentation to the review committee, either in person, by phone, or other electronic means; and

(ii) Public comment on the applications.

(f) After considering public input and all information specified in Section 6(b), including the Division's scoring of the applicants, the committee shall, by majority vote, select a provider for funding and provide written notification to the Administrator of its decision within three (3) business days after the public hearing. The Administrator shall inform the competing applicants of the funding decision with two (2) business days of being notified of the decision by the review committee.

Section 8. Application and Selection Process for Funding that is not Available Statewide and/or Regionally. When funding is available for projects or services which cannot be purchased on a regional or statewide basis, the Division shall:

(a) Define the purpose of the funding;

(b) Develop an application and funding process; and

(c) Notify current contractors and interested parties of the definition, purpose, funding available and how funding decisions will be made. Such notification shall be posted on the Division's public website and included in the application packet for the funding.

Section 9. Severability. If any portion of this Chapter is found to be invalid or unenforceable, the remainder shall continue in full force and effect.